

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SUSIE GUTIERREZ,

Plaintiff,

v.

No. 21-cv-1035 KRS/SMV

FABIAN ORNELAS and CHEVRON U.S.A., INC.,

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed her Complaint in state court on July 27, 2021. [Doc. 1-2] at 1–11. Defendant Chevron removed this action from state court on October 26, 2021. [Doc. 1]. Plaintiff had 90 days from removal, or until January 24, 2022, to effect service of process. *See Wallace v. Microsoft Corp.*, 596 F.3d 703, 706–07 (10th Cir. 2010); Fed. R. Civ. P. 4(m) (2015). There is no indication on the record, which includes the state-court record, [Doc. 4], that service of process has been effected with respect to the Defendant Ornelas.

IT IS THEREFORE ORDERED that Plaintiff show good cause why her claims against Defendant Ornelas should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff must file her response no later than **March 3, 2022**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge